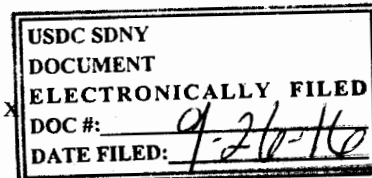


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DERICK LOUIS WILLIAMS,

Plaintiff,



-against-

16-cv-1141 (LAK)

METRO NORTH RAILROAD, et al.,

Defendants.  
----- x

**ORDER**

LEWIS A. KAPLAN, *District Judge*.

The motion of defendant Metro North Railroad to dismiss the complaint for failure to state a claim upon which relief may be granted [DI 17] is granted, substantially for the reasons set forth in the report and recommendation of Magistrate Judge James C. Francis IV. Assuming arguendo that plaintiff's letters subsequent to the report and recommendation are objections, they are overruled.

Plaintiff on or before October 12, 2016 may file an amended complaint in an effort to state a legally sufficient claim for relief. Any amended complaint may include the matters referred to in his most recent letter.

The Court notes also that the docket discloses no proof of service on any of the individual defendants despite the fact that well over 90 days have elapsed since the commencement of the action. Absent the filing, on or before October 12, 2016, of proof of due service on the individual defendants or of good cause for granting an extension of time within which to make service, the action will be dismissed as to any unserved defendant pursuant to Fed. R. Civ. P. 4(m).

SO ORDERED.

Dated: September 26, 2016

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Lewis A. Kaplan  
United States District Judge